

Message Text

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ORIGIN DLOS-09

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TO AMEMBASSY QUITO
AMEMBASSY SANTIAGO

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FOR AMB. ELLIOT L. RICHARDSON

(C O R R E C T E D C O P Y MISSING LETTERS THROUGHOUT)

E. O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS : BRIEFING NOTES FOR AMB. RICHARDSON'S VISIT
TO ECUADOR

REF: CARACAS 6646 (NOTAL)

1. IN PARAGRAPH 2 IS THE PROPOSED ARTICLE THAT ECUADOR
INTRODUCED IN INFORMAL MEETINGS OF COMMITTEE II AT THE
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GENEVA SESSION REGARDING HIGHLY MIGRATORY SPECIES. THE
US HAS INDICATED TO ECUADOR THAT THE ARTICLE IS GENERALLY
SATISFACTORY TO US ALTHOUGH SOME OF THE LANGUAGE COULD BE
WRITTEN A BIT MORE ARTFULLY. AT THE SAME TIME ECUADOR
HAS BEEN TOLD BY AMB. CLINGAN THAT WE COULD ALSO ACCEPT
THE PRESENT ARTICLE 64 OF THE ICNT AND THAT IN OUR
OPINION THE EXISTING TEXT SEEMS TO OFFER THE MOST WIDELY

ACCEPTABLE COMPROMISE. ECUADOR UNDERSTANDS FULL WELL IT IS UP TO THEM TO SELL THEIR PROPOSED ARTICLE, ALTHOUGH AT EARLIER SESSIONS OF THE CONFERENCE WE WERE WILLING TO JOIN THEM IN THIS EFFORT. IN THIS REGARD IT SHOULD BE NOTED THAT COUNTRIES OF THE SOUTH PACIFIC PREFER ARTICLE 64 AS WRITTEN AND HAVE STRONGLY RESISTED THE ECUADORIAN CHANGE. THOSE COUNTRIES PREFER THE MORE GENERAL LANGUAGE OF THE EXISTING ARTICLE. INDEED, THE RECENTLY NEGOTIATED AGREEMENT AIMED AT CREATING A SOUTH PACIFIC FISHERIES ORGANIZATION MAKES SPECIFIC REFERENCE TO ARTICLE 64 OF THE ICNT, AND IN THOSE NEGOTIATIONS THE US CLEARLY INDICATED ITS WILLINGNESS TO ACCEPT ARTICLE 64 AS IT STANDS. THUS, AUSTRALIA AND NEW ZEALAND FEEL THAT EACH ORGANIZATION SHOULD BE ABLE TO EVOLVE THE PARTICULAR PRINCIPLES AND AMPLIFICATION OF ARTICLE 64 THAT ARE PARTICULARLY SUITED TO THE SITUATION IN DIFFERENT REGIONS, A PRINCIPLE WITH WHICH WE AGREE. ON THE OTHER HAND ECUADOR HAS TENDED TO PREFER DETAILED PRINCIPLES INCORPORATED IN A REVISED ARTICLE 64. WE BELIEVE BEST COURSE OF ACTION TO FOLLOW IN LATIN AMERICA IS TO DISCUSS TUNA ONLY IF ECUADORIANS RAISE ISSUE. IT MIGHT BE NOTED THAT BOTH US AND ECUADOR WILL BE ATTENDING INFORMAL DISCUSSIONS ON THE REGIONAL TUNA ISSUE AUGUST 8-10 IN MEXICO CITY AND THAT ISSUE COULD BE DISCUSSED IN REGIONAL TERMS AT THAT TIME. IN ADDITION, AMB. CLINGAN COULD DISCUSS ARTICLE 64 IF THEY DESIRE EARLY IN N.Y. SESSION.

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2. ARTICLE 64 AS PROPOSED BY ECUADOR: QUOTE - 1. THE COSTAL STATE AND OTHER STATES WHOSE NATIONALS FISH IN THE REGION FOR THE HIGHLY MIGRATORY SPECIES LISTED IN ANNEX I TO THE PRESENT CONVENTION, SHALL CO-OPERATE DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS WITH A VIEW TO ENSURING CONSERVATION AND PROMOTING THE OBJECTIVE OF OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION EXISTS, THE STATES REFERRED TO IN THIS PARAGRAPH SHALL CO-OPERATE TO ESTABLISH SUCH AN ORGANIZATION AND PARTICIPATE IN ITS ACTIVITIES.

--2. UNLESS THE COSTAL STATE AGREES ON A DIFFERENT PROCEDURE, ITS CONSENT WILL BE REQUIRED FOR ADOPTION OF MEASURES APPLICABLE TO ITS EXCLUSIVE ECONOMIC ZONE.

--3. THE COSTAL STATE SHALL BE COMPETENT TO ENFORCE WITHIN ITS EXCLUSIVE ECONOMIC ZONE COMPLIANCE WITH THE MEASURES IN QUESTION BY ALL FISHERMEN. THE STATES MEMBERS OF THE APPROPRIATE INTERNATIONAL ORGANIZATION

SHALL AGREE ON EFFECTIVE ARRANGEMENTS FOR ENSURING COMPLIANCE, WITH RESPECT TO THE MEMBERS, WITH THE AGREED MEASURES BEYOND THE EXCLUSIVE ECONOMIC ZONE AND SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE MEASURES IN QUESTION BY THEIR NATIONALS IF THEY FISH FOR SUCH SPECIES BEYOND THE SAID ZONE. FOR THE PURPOSES OF THIS PARAGRAPH, THE APPROPRIATE INTERNATIONAL ORGANIZATION OR ORGANIZATIONS SHALL CO-OPERATE, TO THE EXTENT OF THEIR ABILITY, AT THE REQUEST OF THE STATES MEMBERS.

--4. IF THE APPROPRIATE INTERNATIONAL ORGANIZATION SHOULD DETERMINE THAT A RESOURCE IS BEING FULLY EXPLOITED, IT SHALL PRESCRIBE THE CATCH ALLOWABLE IN THE ENTIRE REGION THROUGH WHICH THAT SPECIES MIGRATES. IF THE VOLUME LIMITED OFFICIAL USE

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OF THE CATCH SHOULD EXCEED SUCH LIMIT, THE STATES MEMBERS SHALL AGREE ON THE MEASURES NECESSARY FOR ENSURING THAT FISHING IN THE REGION REMAINS WITHIN THAT LIMIT.

--5. IN OTHER RESPECTS, THE PROVISIONS OF THIS CHAPTER SHALL APPLY TO HIGHLY MIGRATORY SPECIES. UNQUOTE. VANCE

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